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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/764,627	01/26/2004	Daniel E. Jenkins	16356.842 (DC-05833) 1696 .		
27683 7590 02/06/2007 HAYNES AND BOONE, LLP		EXAMINER			
901 MAIN STI	REET, SUITE 3100		PARRIES, DRU M		
DALLAS, TX 75202			ART UNIT	PAPER NUMBER	
			2836		
				· _	
			MAIL DATE	DELIVERY MODE	
			02/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.		Applicant(s)		
	10/764,627	JENKINS, DANIEL E.		
	Examiner	Art Unit		
	Dru M. Parries	2836		

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The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress
THE REPLY FILED 11 January 2007 FAILS TO PLACE THIS A	PPLICATION IN CONDITION FOR	R ALLOWANCE.	
1.  The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in o e with 37 CFR 1.114. The reply mo	fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
a) The period for reply expiresmonths from the mailing b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (TWO MONTHS OF THE FINAL REJECTION. See MPEP 70)	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailinb). ONLY CHECK BOX (b) WHEN THE	g date of the final rejecti	on.
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	ension and the corresponding amount hortened statutory period for reply orig than three months after the mailing da	of the fee. The approprinally set in the final Offi	iate extension fee ce action; or (2) as
<ol> <li>The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter a Notice of Appeal has been filed, any reply must be filed AMENDMENTS</li> </ol>	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since
<ol> <li>The proposed amendment(s) filed after a final rejection, It (a) They raise new issues that would require further contour.</li> <li>They raise the issue of new matter (see NOTE belowed)</li> </ol>	nsideration and/or search (see NO w);	TE below);	
<ul><li>(c) They are not deemed to place the application in bet appeal; and/or</li></ul>	ter form for appeal by materially re	ducing or simplifying	the issues for
(d) They present additional claims without canceling a	corresponding number of finally rej	ected claims.	
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1)			
4. The amendments are not in compliance with 37 CFR 1.12		mpliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(s):			
6. Newly proposed or amended claim(s) would be all non-allowable claim(s).		•	
7.  For purposes of appeal, the proposed amendment(s): a) ( how the new or amended claims would be rejected is prove The status of the claim(s) is (or will be) as follows:	⊠ will not be entered, or b) ☐ will will will will will will will wi	ii be entered and an e	explanation of
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected:			
Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE			
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>			
<ol> <li>The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary</li> </ol>	vercome <u>all</u> rejections under apper and was not earlier presented. S	al and/or appellant fai ee 37 CFR 41.33(d)(′	ls to provide a
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	of the status of the claims after e	ntry is below or attach	ned.
<ol> <li>The request for reconsideration has been considered but <u>See Continuation Sheet.</u></li> </ol>	t does NOT place the application in	n condition for allowar	nce because:
<ul><li>12. ☐ Note the attached Information Disclosure Statement(s). (</li><li>13. ☐ Other:</li></ul>	PTO/SB/08) Paper No(s)	Charly	ny
		CHAU N. NG	UYEN

PRIMARY EXAMINER

 $\label{lem:continuation} \textbf{Continuation of 3. NOTE: The new issue is an air gap having non-parallel opposed surfaces .}$ 

Continuation of 11. does NOT place the application in condition for allowance because: The arguments for allowance are most since they are all directed toward the non-entered new subject matter.